

**ORDINANCE 2020-~~13~~**  
**OF THE TOWN OF ZIONSVILLE**

**AN ORDINANCE REESTABLISHING THE BOARD OF  
METROPOLITAN POLICE COMMISSIONERS AS THE SAFETY BOARD  
FOR POLICE MATTERS**

**WHEREAS**, Ind. Code § 36-8-9 *et seq.* confers upon the Town Council of the Town of Zionsville, Indiana (the “Town Council”) the authority to establish a Board of Metropolitan Police Commissioners (“Board”); and

**WHEREAS**, in 2008 and pursuant to Ind Code § 36-8-9-2, the Town Council adopted Ordinance 2008-21 that abolished the office of Town Marshall and created the Board; and

**WHEREAS**, in 2014, the Town Council adopted Resolution 2014-11, commonly referred to as Reorganization 2.0, to further reorganize the Town of Zionsville (“Town”); and

**WHEREAS**, the Town Council desires to reestablish the Board as part of an on-going process to update the Code of Ordinances and ensure compliance with Resolution 2014-11 and state law; and

**WHEREAS**, pursuant to Ind. Code 36-8-3-4 the Board will be considered the Safety Board of the Town for police department purposes; and

~~**WHEREAS**, the current appointed members of the Board shall continue to serve their current terms unless otherwise removed pursuant to this Ordinance.~~

**NOW, THEREFORE, BE IT ORDAINED BY**, by the Town Council of the Town of Zionsville, Boone County, that:

1. Establishment of Board of Metropolitan Police Commissioners. The Council hereby reestablishes the Board, pursuant to Ind. Code § 36-8-9 *et seq.*, with the powers and duties provided under state law.

a. Number of Members. The Board shall consist of five (5) members.

b. Qualification of Members. Not more than three (3) Board members may be members of the same political party, ~~if individuals who satisfy this requirement can be found to serve on the Board.~~ The members must be residents of the Town

~~c.~~ Term. The term of each Board member shall be three (3) years, expiring on January 1 of the third year after the member’s appointment. The Board members shall have staggered terms, with the term of not more than two (2) board members expiring each year.

de. Appointment to the Board. The Town Council shall appoint the members of the Board.

ed. Composition of Board. The Board shall be comprised of citizen members who are residents of the Town, not more than three (3) members of the Town Council and two (2) lay members. Any Town Council member that serves on the Board shall vacate the member's position on the board when the member is no longer a member of the Town Council. ~~The Town Council shall not appoint a police officer employed by the Town to serve on the Board.~~

fe. Oath and Bond of Members. A Board members shall take and subscribe an oath before the Boone County Circuit Court Clerk. ~~This subsection does not apply to Board members who also serve as members of the Town Council.~~

gf. Posting Bond. A Board member shall give bond in the penal sum of five thousand dollars (\$5,000), payable to the state and conditioned upon the faithful and honest discharge of the member's duties. The bond must be approved by the Town Council. This subsection does not apply to Board members who also serve as members of the Town Council.

g. Removal. The Town Council may remove a Board member for any cause the Town Council considers sufficient.

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## 2. Powers and Duties of Board.

a. Pursuant to Reorganization ~~2014-22~~2014-11, ~~ZR2A22~~ZR2A11, the Mayor shall appoint the Chief of Police. Further, as provided in Reorganization-~~2014-11~~2014-22, ZR2A23, the Chief of Police and the employees of the Zionsville Police Department are under the jurisdiction of the Mayor. Notwithstanding, per Reorganization 2014-11, ZR2A24, the Mayor must have the approval of a majority of the Town Council before the Mayor may discharge the Chief of Police. However, the Mayor has the authority to remove the Chief of Police from the position of Chief and demote him or her to the position he or she occupied in the department prior to his or her appointment as Chief, without requiring the approval of the majority of the Town Council or the approval of the Safety Board.

**Commented [H1]:** There is no Reorganization Resolution 2014-22. Should this be Reorganization Resolution 2014-11?

**Commented [H2]:** This references the wrong section of the Reorganization Resolution. The correct section is ZR2A22.

b. The Board shall constitute the Safety Board of the Town for purposes of the suspension, demotion, or dismissal of any member of the police department, subject to the Mayor's authority to remove the Chief of Police from the position of Chief and demote him or her to the position he or she occupied in the department prior to his or her appointment as Chief, as noted in section 2(a). Proceedings for the suspension, demotion, or dismissal of any member of the police department, as provided for herein, shall be conducted in the manner prescribed by Ind. Code § 36-8-3-4. The disciplinary provisions of Ind. Code § 36-8-3-4.1 shall apply to the Board and the Police Chief.

c. The Board may make general and special rules for the governing and discipline of the Zionsville Police Department employees, and may make special and general

~~orders to the Zionsville Police Department through the Zionsville Police Chief,  
who shall be executive head of the Zionsville Police Department.~~

3. Construction of Clause Headings. The clause headings appearing herein have been provided for convenience and reference and do not purport and shall not be deemed to define, limit or extend the scope or intent of the clause to which they appertain.
4. Repeal of Conflicting Ordinances. The provisions of all other Town ordinances in conflict with the provisions hereof, if any, are of no further force or effect and are hereby repealed.
5. Severability. If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remainder of this Ordinance.
6. Duration and Effective Date. The provisions of this Ordinance shall become effective immediately and remain in full force and effect until repeal by ordinance.

Introduced and filed on the \_\_\_\_ day of September, 2020. A motion to consider on First Reading was sustained by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed, pursuant to Ind. Code § 36-5-2-9.8.

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**DULY PASSED AND ADOPTED** this \_\_\_\_ day of September, 2020, by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

**TOWN COUNCIL OF THE TOWN OF ZIONSVILLE,  
BOONE COUNTY, INDIANA**

	<b>YEA</b> Signature	<b>NAY</b> Signature
Josh Garrett, President		
Bryan Traylor, Vice President		
Brad Burk, Member		
Alex Choi, Member		
Joe Culp, Member		
Craig Melton, Member		
Jason Plunkett, Member		

I hereby certify that the foregoing Resolution was delivered to Town of Zionsville Mayor Emily Styron on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, at \_\_\_\_\_ m.

ATTEST: \_\_\_\_\_  
Amelia Anne Lacy,  
Municipal Relations Coordinator

**MAYOR'S APPROVAL**

Emily Styron, Mayor \_\_\_\_\_

Date

**MAYOR'S VETO**

Emily Styron, Mayor

Date: